



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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2814

In re Application of:
CORONEL ET AL.
FOR: Large Multi-Function Integrated
Circuit Device
Serial: 09/618,708
Confirmation No. 2014
FILED: July 18, 2000
Mail Stop NON Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Atty. Doc. 36-0032
Examiner: WILLE, Douglas A.
Group Art Unit 2814

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TRANSMITTAL

Transmitted herewith for the above identified application for patent is a (1) **REQUEST FOR REINSTATEMENT OF THE APPEAL**, including an attached document concerning a prospective election, and (2) **APPELLANT'S SUPPLEMENTAL BRIEF** (in triplicate).

☒ Applicant is a **LARGE ENTITY**.

The claim fee has been calculated as shown below								
CLAIMS PAID				SMALL ENTITY			LARGE ENTITY	
Highest No. Remaining			Previously Paid	EXTRA Claims	Rate	Add'l Fee	Rate	Add'l Fee
Total	40	Minus	40	0	X 9	\$0.00	X 18	\$0.00
Indep.	4	Minus	4	0	X 42	\$0.00	X 84	\$0.00
[] First presentation Multiple Dependent Claims					140		+280	
TOTAL Additional Fee						\$0.00		\$0.00

☒ Total additional fee required is **\$ ZERO**.

Payment is made as follows: [] By enclosed check payable to the Commissioner of Patents and Trademarks

☒ Kindly charge any additional fee due in connection with this amendment or any credit given to my deposit account No. 07-1525.

Kindly stamp and post the enclosed self addressed post card to indicate receipt of the enclosed documents.

Respectfully submitted

Ronald M. Goldman
Attorney for Applicant
Reg. No. 24,057
Date: July 1, 2003

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop NON-FEE AMENDMENT

#13/6 Section
7/12/03
C. Per

In re Application of:)
Coronel et al)
Serial No. 09/618,708)
Filed: July 18, 2000)
For: LARGE MUTI-FUNCTION)
INTEGRATED CIRCUIT DEVICE)

Group Art Unit: 2814
Examiner: Wille, Douglas A.
Attorney Docket: 36-0032

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Hon. Commissioner for Patents

REQUEST FOR REINSTATEMENT OF THE APPEAL

Responsive to the Office Action, dated June 6, 2003, Applicant requests reinstatement of the appeal in this application. A Supplemental Appeal Brief is enclosed in triplicate.

REMARKS

The Office Action withdraws the finality of the Final Office Action and reopens prosecution. That Office Action then raises an issue unrelated to patentability. Under Rule 1.193 (b) (2) where prosecution is reopened by the primary examiner after an appeal brief has been filed, appellant is given only two options to avoid abandonment of the application: (1) file a reply under Section 1.111 or, if appropriate under Section 1.113 OR (2) request reinstatement of the appeal. Because the Office Action required action unrelated to patentability, because the action did not withdraw the existing rejections under 35 USC 103, and because all claims on appeal, excepting dependent claims 41 and 42, were twice rejected, applicant elects to continue with the appeal.

Applicant notes that Rule 1.191 affords a patent applicant the right to appeal the Examiner's decision in an application any of whose claims have either been twice rejected or finally rejected. Although the Office Action withdrew finality, the action leaves most of the claims as being twice rejected. Therefor, continuance of the Appeal is proper.

continue
} appeal

Applicant has already invested \$630.00 in filing fees for the present appeal and is disinclined to undertake any action that would result in premature dismissal of its Appeal.

It appears there is a conflict in the Rules of Procedure resulting from a situation not contemplated by those Rules. Applicant believes that the Rules pertaining to the appeal take precedence over the Rules in respect of responding to restriction requirements. If Examiner has it within his ability have the Rules suspended to permit applicant to respond to the restriction requirement made in the Office Action without prejudicing the existing appeal, then applicant would be prepared to authorize the Examiner to enter the traverse and election set forth on the attached document entitled "ELECTION IN REPLY TO RESTRICTION REQUIREMENT."

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald M. Goldman", with a stylized flourish at the end.

Ronald M. Goldman

Reg. 24,057

Attorney for Applicant

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